

2005 DRAFTING REQUEST

Bill

Received: 08/30/2004

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Tony Staskunas (608) 266-0620**

By/Representing: **Adrienne**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - homicide
Criminal Law - miscellaneous
Criminal Law - sex offenses
Criminal Law - procedure**

Extra Copies: **rlr, cmh**

Submit via email: **YES**

Requester's email: **Rep.Staskunas@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Statute of limitations for felonies where DNA evidence exists

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 02/17/2005	jdyer 02/18/2005		_____			
/1			pgreensl 02/18/2005	_____	lemery 02/18/2005		
/2	mdsida 03/04/2005	jdyer 03/08/2005	pgreensl 03/08/2005	_____	sbasford 03/08/2005		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	mdsida 04/26/2005	jdye 04/26/2005	rschluet 04/26/2005	_____	lemery 04/26/2005	mbarman 06/06/2005	

FE Sent For:

<END>

→ Not
Needed

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134
26 jld
4 26 5

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Criminal Law - procedure

Extra Copies: rlr, cmh

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Requester's email: Rep.Staskunas@legis.state.wi.us

Carbon copy (CC:) to: robin.ryan@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Statute of limitations for crimes resulting in the death of the victim, kidnapping, or criminal sexual assault cases where DNA evidence exists

Instructions:

See Attached

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/1		1/2 3/8 jw	pgreensl 02/18/2005	ps 15	lemery 02/18/2005		

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Subject: **Criminal Law - homicide
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Criminal Law - sex offenses
Criminal Law - procedure**

Extra Copies: **Mr, cmh**

Submit via email: **YES**

Requester's email: **Rep.Staskunas@legis.state.wi.us**

Carbon copy (CC:) to: **RLR**

Pre Topic:

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1?	mdsida	1/2/18 jld	7/18 ps	7/18 ps			
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FE Sent For:

<END>

Dsida, Michael

From: Ramirez, Adrienne
Sent: Thursday, January 22, 2004 11:52 AM
To: Dsida, Michael
Subject: Another drafting request

Mike -

This is not a priority, I know we have you working on that mega draft on Chapter 980, but Tony asked me to get the ball rolling on this one.

He would like legislation drafted that would eliminate the statute of limitations for any crime resulting in the death of the victim, kidnapping, or criminal sexual assault cases where DNA evidence exists.) applies to all ~~offenses~~ 3

Apparently Minnesota passed similar legislation in their 2000 session, although I have not been able to locate their language. Let me know if you need more direction on this request, and I will try to find some. categories

As always thanks for your help,

Adrienne
Office of Rep. Tony Staskunas
6-0620

Dsida, Michael

From: Dsida, Michael
Sent: Tuesday, August 31, 2004 11:13 AM
To: Ramirez, Adrienne
Subject: "Causing a person's death"

You or Rep. Staskunas may want to look at these cases (or at least this note describing them) when you are thinking about the issue I mentioned in my email yesterday:

940.03 - ANNOT.

To prove that the defendant caused the death, the state need only prove that the defendant's conduct was a substantial factor. The phrase "while committing or attempting to commit" encompasses the immediate flight from the felony. A defendant may be convicted if another person, including an intended felony victim, fires the fatal shot. *State v. Oimen*, 184 Wis. 2d 423, 516 N.W.2d 399 (Ct. App. 1994), *State v. Rivera*, 184 Wis. 2d 485, 516 N.W.2d 391 (1994) and *State v. Chambers*, 183 Wis. 2d 316, 515 N.W.2d 531 (Ct. App. 1994).

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@state.legis.wi.us

Dsida, Michael

From: Dsida, Michael
Sent: Monday, August 30, 2004 1:47 PM
To: Ramirez, Adrienne
Subject: RE: Another drafting request

Do you want me to use "causes the death" instead of "results in the death"? I'm not sure how the latter phrase would apply (or how you would want it to apply) if, for example, a person robs a home when the owner is out, and the owner, discovering the theft upon returning to the home, dies of a heart attack. (If you were to use the former phrase, there are plenty of reported cases that would enable the court to determine whether the offender caused the person's death.)

-----Original Message-----

From: Ramirez, Adrienne
Sent: Thursday, January 22, 2004 11:52 AM
To: Dsida, Michael
Subject: Another drafting request

Mike -

This is not a priority, I know we have you working on that mega draft on Chapter 980, but Tony asked me to get the ball rolling on this one.

He would like legislation drafted that would eliminate the statute of limitations for any crime resulting in the death of the victim, kidnapping, or criminal sexual assault cases where DNA evidence exists.

Apparently Minnesota passed similar legislation in their 2000 session, although I have not been able to locate their language. Let me know if you need more direction on this request, and I will try to find some.

As always thanks for your help,

Adrienne
Office of Rep. Tony Staskunas
6-0620

Dsida, Michael

From: Ramirez, Adrienne
Sent: Tuesday, September 07, 2004 10:32 AM
To: Dsida, Michael
Subject: DNA legislation

Mike-

I talked with Tony briefly regarding your e-mails. He suggested that you might want to look at a recently passed bill from Minnesota. I have attached a link to the bill.

http://www.revisor.leg.state.mn.us/cgi-bin/getbill.pl?version=latest&session=ls83&session_number=0&session_year=Regu&number=sf239

Thanks,

Adrienne
Office of Rep. Staskunas
6-0620

P/c to Adrienne -

*She will ✓ w/ Rep S. re whether
DNA needed for all crimes*

*Need DNA in every case
(all felonies in which there's DNA)*



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0054/??

MGD:.....

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Soon

Gen

the

- 1 AN ACT ...; relating to statutes of limitations for certain felonies involving DNA
2 evidence.

Analysis by the Legislative Reference Bureau

three

In general, a criminal prosecution must be commenced within 3 years after the offense, if the offense is a misdemeanor, or within 6 years after the offense, if the offense is a felony. Prosecutors have significantly longer periods of time in which to begin a prosecution for second-degree reckless homicide and for sex offenses against children. In addition, there is no limitation period at all for first- or second-degree intentional homicide, first-degree reckless homicide, or felony murder (causing the death of a person while committing one of several specified felonies). A prosecution for one of those offenses may occur at any time.

degree

Current law also provides for extending an applicable limitation period under certain circumstances. One such provision relates to cases of first- or second-degree sexual assault, first- or second-degree sexual assault of a child, or repeated sexual assault of a child, if the case is one in which the state has biological material that establishes a DNA profile for the offender. If, before the deadline for commencing a prosecution in such a case, the state possesses that material but is unable to establish the identity of the offender, and the state later uses the DNA to identify that person, the prosecution may be commenced within one year after that identification.

degree

deoxyribonucleic acid

This bill expands the scope of the provision extending the limitations period in certain cases involving DNA evidence so that it applies to all felonies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 939.74 (1) of the statutes is amended to read:

939.74 (1) Except as provided in subs. (1m), (2), and (2d) and s. 946.88 (1), prosecution for a felony must be commenced within 6 years and prosecution for a misdemeanor or for adultery within 3 years after the commission thereof. Within the meaning of this section, a prosecution has commenced when a warrant or summons is issued, an indictment is found, or an information is filed.

History: 1981 c. 280; 1985 a. 275; 1987 a. 332, 380, 399, 403; 1989 a. 121; 1991 a. 269; 1993 a. 219, 227, 486; 1995 a. 456; 1997 a. 237; 2001 a. 16, 109; 2003 a. 196, 279, 326.

SECTION 2. 939.74 (2) (intro.) of the statutes is amended to read:

939.74 (2) (intro.) ~~Notwithstanding~~ Unless a longer limitation period is provided under sub. (2d), and notwithstanding that the time limitation under sub. (1) has expired:

History: 1981 c. 280; 1985 a. 275; 1987 a. 332, 380, 399, 403; 1989 a. 121; 1991 a. 269; 1993 a. 219, 227, 486; 1995 a. 456; 1997 a. 237; 2001 a. 16, 109; 2003 a. 196, 279, 326.

SECTION 3. 939.74 (2) (a) of the statutes is renumbered 939.74 (1m) and amended to read:

939.74 (1m) ~~A~~ Notwithstanding that the time limitation under sub. (1) has expired, a prosecution under s. 940.01, 940.02, 940.03, or 940.05 may be commenced at any time.

History: 1981 c. 280; 1985 a. 275; 1987 a. 332, 380, 399, 403; 1989 a. 121; 1991 a. 269; 1993 a. 219, 227, 486; 1995 a. 456; 1997 a. 237; 2001 a. 16, 109; 2003 a. 196, 279, 326.

SECTION 4. 939.74 (2) (c) of the statutes is amended to read:

939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a), 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, or 948.095 shall be

1 commenced before the victim reaches the age of 45 years or be barred, ~~except as~~ ✓
2 ~~provided in sub. (2d) (c).~~ ✓

History: 1981 c. 280; 1985 a. 275; 1987 a. 332, 380, 399, 403; 1989 a. 121; 1991 a. 269; 1993 a. 219, 227, 486; 1995 a. 456; 1997 a. 237; 2001 a. 16, 109; 2003 a. 196, 279, 326.

3 **SECTION 5.** 939.74 (2d) (b) of the statutes is amended to read:

4 939.74 (2d) (b) If before the ~~time limitation~~ period that would otherwise apply ✓
5 to a felony under sub. (1) or (2) ✓ expired, the state collected biological material that
6 is evidence of the identity of the person who committed ~~a violation of s. 940.225 (1)~~ ✓
7 ~~or (2) the offense,~~ ✓ the state identified a deoxyribonucleic acid profile from the
8 biological material, and comparisons of that deoxyribonucleic acid profile to
9 deoxyribonucleic acid profiles of known persons did not result in a probable
10 identification of the person who is the source of the biological material, the state may
11 commence prosecution of the person who is the source of the biological material for
12 ~~violation of s. 940.225 (1) or (2)~~ that offense ✓ within 12 months after comparison of the
13 deoxyribonucleic acid profile relating to the violation results in a probable
14 identification of the person.

History: 1981 c. 280; 1985 a. 275; 1987 a. 332, 380, 399, 403; 1989 a. 121; 1991 a. 269; 1993 a. 219, 227, 486; 1995 a. 456; 1997 a. 237; 2001 a. 16, 109; 2003 a. 196, 279, 326.

15 **SECTION 6.** 939.74 (2d) (c) of the statutes is repealed.

16 **SECTION 7.** 946.88 (1) of the statutes is amended to read:

17 946.88 (1) ~~A~~ Unless a longer limitation period is provided under sub. (2d), a ✓
18 criminal or civil action or proceeding under ss. 946.80 to 946.88 may be commenced
19 at any time within 6 years after a violation under ss. 946.80 to 946.88 terminates or
20 the cause of action accrues. If a criminal action or proceeding under ss. 946.80 to
21 946.88 is brought, or intervened in, to punish, prevent or restrain any such violation,
22 the running of the period of limitations with respect to any civil action or proceeding,
23 including an action or proceeding under s. 946.87, which is based in whole or in part

1 upon any matter complained of in the criminal action or proceeding shall be
2 suspended for 2 years following the termination of the criminal action or proceeding.

3 **History:** 1981 c. 280; 1989 a. 121 s. 110; Stats. 1989 s. 946.88.

(END)

P/c from Rep Staskiewicz

Don't make it dovetail w/ current law

Eliminate s of L altogether

Including, if possible, if DNA becomes
avail after running of limitations period

State v. Gray 917 SW2d 668

Dsida, Michael

From: Dsida, Michael
Sent: Tuesday, March 01, 2005 4:17 PM
To: Rep.Staskunas
Subject: Statute of limitations bill

At this point, I'm going to draft the bill so that it applies to cases in which the offender has left biological material behind -- on the victim, on his or her clothes, at the scene... Do you want it also to apply to cases in which the offender has left biological material on items used in connection with the crime, such as a weapon, a car, money...? Note that some of those items will remain in control of the offender, making it difficult to determine when the biological material was left in or on the item. > No

By the way, I don't think that eliminating the limitations period is unconstitutional on its face, but there may be cases in which a defendant successfully claims that the delay violated his or her right to a speedy trial under the 6th Amendment or (more likely) a fair trial under the Due Process Clause.

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0054/L

MGD:jld:pg

2005 BILL

normal

Regen

- 1 AN ACT *to repeal* 939.74 (2d) (c); *to renumber and amend* 939.74 (2) (a); and
2 *to amend* 939.74 (1), 939.74 (2) (intro.), 939.74 (2) (c), 939.74 (2d) (b) and 946.88
3 (1) of the statutes; **relating to:** the statute of limitations for certain felonies
4 involving DNA evidence.

in which biological
material is left on
the victim or at the
crime scene

for physical
abuse of a child,

Analysis by the Legislative Reference Bureau

In general, a criminal prosecution must be commenced within three years after the offense, if the offense is a misdemeanor, or within six years after the offense, if the offense is a felony. Prosecutors have significantly longer periods of time in which to begin a prosecution for second-degree reckless homicide and for sex offenses against children. In addition, there is no limitation period at all for first-degree or second-degree intentional homicide, first-degree reckless homicide, or felony murder (causing the death of a person while committing one of several specified felonies). A prosecution for one of those offenses may occur at any time.

Current law also provides for extending an applicable limitation period under certain circumstances. One such provision relates to cases of first-degree or second-degree sexual assault, first-degree or second-degree sexual assault of a child, or repeated sexual assault of a child, if the case is one in which the state has biological material that establishes a deoxyribonucleic acid (DNA) profile for the offender. If, before the deadline for commencing a prosecution in such a case, the state possesses that material but is unable to establish the identity of the offender, and the state later uses the DNA to identify that person, the prosecution may be commenced within one year after that identification.

Another
relates
to
cases of

if, even with

but it

, the state

before that deadline

Both of
those
provisions
require

have otherwise

INS
ANALYSIS BILL

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SECTION 2. 939.74 (2) (intro.) of the statutes is amended to read:

939.74 (2) (intro.) ~~Notwithstanding~~ ^{repealed and recreated} ~~Unless a longer limitation period is provided under sub. (2d), and notwithstanding that the time limitation under sub. (1) has expired:~~ ^{NO Unless sub. (2m) applies} ^{plain}

SECTION 3. 939.74 (2) (a) of the statutes is renumbered 939.74 (1m) and amended to read:

939.74 (1m) ~~A Notwithstanding that the time limitation under sub. (1) has expired, a prosecution under s. 940.01, 940.02, 940.03, or 940.05 may be commenced at any time.~~

SECTION 4. 939.74 (2) (c) of the statutes is amended to read:

939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a), 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, or 948.095 shall be commenced before the victim reaches the age of 45 years or be barred, except as provided in sub. (2d) (e).

SECTION 5. 939.74 (2d) (b) of the statutes is amended to read:

BILL

1 939.74 (2d) (b) If before the time limitation period that would otherwise apply
2 to a felony under sub. (1) or (2) expired, the state collected biological material that
3 is evidence of the identity of the person who committed ~~a violation of s. 940.225 (1)~~
4 ~~or (2)~~ the offense, the state identified a deoxyribonucleic acid profile from the
5 biological material, and comparisons of that deoxyribonucleic acid profile to
6 deoxyribonucleic acid profiles of known persons did not result in a probable
7 identification of the person who is the source of the biological material, the state may
8 commence prosecution of the person who is the source of the biological material for
9 ~~violation of s. 940.225 (1) or (2)~~ that offense within 12 months after comparison of the
10 deoxyribonucleic acid profile relating to the violation results in a probable
11 identification of the person.

12 SECTION 6. 939.74 (2d) (c) of the statutes is repealed.

s. 939.74 (2d)
applies

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17 the cause of action accrues. If a criminal action or proceeding under ss. 946.80 to
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20 including an action or proceeding under s. 946.87, which is based in whole or in part
21 upon any matter complained of in the criminal action or proceeding shall be
22 suspended for 2 years following the termination of the criminal action or proceeding.

23

(END)

INS

3/22

[Signature]

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0054/2ins
MGD:.....

1 **analysis INSERT**

✕ This bill replaces those provisions with one that eliminates the limitation period for cases in which the offender, while committing the offense, leaves biological material that is evidence of his or her identity on a victim, on clothing worn by the victim, or on any object located at the crime scene. Under the bill, a prosecution for such an offense may occur at any time.

2 **INSERT 2/0**

3 **SECTION 1.** 939.74 (1) ✕ of the statutes is amended to read:

4 939.74 (1) Except as provided in subs. (2), (2m) ✓, and (2d) ✓ (2r) and s. 946.88 (1),
5 prosecution for a felony must be commenced within 6 years and prosecution for a
6 misdemeanor or for adultery within 3 years after the commission thereof. Within the
7 meaning of this section, a prosecution has commenced when a warrant or summons
8 is issued, an indictment is found, or an information is filed.

History: 1981 c. 280; 1985 a. 275; 1987 a. 332, 380, 399, 403; 1989 a. 121; 1991 a. 269; 1993 a. 219, 227, 486; 1995 a. 456; 1997 a. 237; 2001 a. 16, 109; 2003 a. 196, 279, 326.

9 **INSERT 3/0**

10 **SECTION 2.** 939.74 (2d) ✕ of the statutes is repealed.

11 **SECTION 3.** 939.74 (2m) ✕ of the statutes is created to read:

12 939.74 (2m) A prosecution for a felony may be commenced at any time if, while
13 committing the offense, biological material that is evidence of the identity of the
14 offender is left on a victim, on clothing worn by the victim, or on any object located
15 at any place at which the offense is committed. In this ^{subsection} ~~paragraph~~, "place at which
16 the offense is committed" includes any place ✓ where the offender acts or fails to act
17 if the offender's act or failure to act constitutes an element of the offense.

18 **SECTION 4.** 943.201 (1) (b) 11. ✕ of the statutes is amended to read:

19 943.201 (1) (b) 11. An individual's deoxyribonucleic acid profile, as defined in
20 s. 939.74 (2d) ~~(a)~~ 971.23 (9) (a). ^{plain}

History: 1997 a. 101; 2001 a. 109; 2003 a. 36.

21 **INSERT 3/22**

↓

1 **SECTION 5.** 971.23 (9) (a)^x of the statutes is amended to read:

2 971.23 (9) (a) In this subsection "deoxyribonucleic acid profile" ~~has the~~
3 ~~meaning given in s. 939.74 (2d) (a)~~[✓] means an individual's patterned chemical
4 structure of genetic information identified by analyzing biological material that
5 contains the individual's deoxyribonucleic acid.[✓]

History: 1973 c. 196; 1975 c. 378, 421; 1989 a. 121; 1991 a. 223; 1993 a. 16, 486; 1995 a. 27, 387; 2001 a. 16.

6 **SECTION 6. Initial applicability.**

7 (1) This act first applies to any offense the prosecution of which is not barred
8 on the effective date of this subsection.[✓]

(end insert)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0054/2

MGD:jld:pg

3

2005 BILL

From

Regen

1 AN ACT *to repeal* 939.74 (2d); *to renumber* 939.74 (2) (a); *to amend* 939.74 (1),
2 939.74 (2) (c), 943.201 (1) (b) 11., 946.88 (1) and 971.23 (9) (a); *to repeal and*
3 *recreate* 939.74 (2) (intro.); and *to create* 939.74 (2m) of the statutes; **relating**
4 **to:** the statute of limitations for felonies in which biological material is left on
5 the victim or at the crime scene.

Analysis by the Legislative Reference Bureau

In general, a criminal prosecution must be commenced within three years after the offense, if the offense is a misdemeanor, or within six years after the offense, if the offense is a felony. Prosecutors have significantly longer periods of time in which to begin a prosecution for second-degree reckless homicide, for physical abuse of a child, and for certain child sex offenses. In addition, there is no limitation period at all for first-degree or second-degree intentional homicide, first-degree reckless homicide, or felony murder (causing the death of a person while committing one of several specified felonies). A prosecution for one of those offenses may occur at any time.

Current law also provides for extending an applicable limitation period under certain circumstances. One such provision relates to cases of first-degree or second-degree sexual assault. Another relates to cases of first-degree or second-degree sexual assault of a child or repeated sexual assault of a child. Both of those provisions require the state to have biological material that establishes a deoxyribonucleic acid (DNA) profile for the offender before the normal deadline for

BILL*described in the preceding paragraph and**relating to sexual assault and sexual assault of a child that are*

commencing the prosecution. If, even with that material, the state is unable to establish the identity of the offender before that deadline, but it later uses the DNA to identify that person, the prosecution may be commenced within one year after that identification.

any felony This bill replaces ~~those provisions with one that~~ eliminates the limitation period for ~~cases~~ in which the offender, while committing the offense, leaves biological material that is evidence of his or her identity on a victim, on clothing worn by the victim, or on any object located at the crime scene. Under the bill, a prosecution for such an offense may occur at any time.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 939.74 (1) of the statutes is amended to read:

939.74 (1) Except as provided in subs. (2), (2m), ~~and (2d)~~ (2r) and s. 946.88 (1), prosecution for a felony must be commenced within 6 years and prosecution for a misdemeanor or for adultery within 3 years after the commission thereof. Within the meaning of this section, a prosecution has commenced when a warrant or summons is issued, an indictment is found, or an information is filed.

SECTION 2. 939.74 (2) (intro.) of the statutes is repealed and recreated to read:

939.74 (2) (intro.) Unless sub. (2m) applies: (2d) or

SECTION 3. 939.74 (2) (a) of the statutes is renumbered 939.74 (2r).

SECTION 4. 939.74 (2) (c) of the statutes is amended to read:

939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a), 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, or 948.095 shall be commenced before the victim reaches the age of 45 years or be barred, ~~except as provided in sub. (2d) (c).~~

SECTION 5. 939.74 (2d) of the statutes is ~~repealed~~.

SECTION 6. 939.74 (2m) of the statutes is created to read:

939.74 (2d) (d) This subsection does not apply in cases in which sub. (2m) applies.

BILL

1 939.74 (2m) A prosecution for a felony may be commenced at any time if, while
2 committing the offense, biological material that is evidence of the identity of the
3 offender is left on a victim, on clothing worn by the victim, or on any object located
4 at any place at which the offense is committed. In this subsection, “place at which
5 the offense is committed” includes any place where the offender acts or fails to act
6 if the offender’s act or failure to act constitutes an element of the offense.

7 **SECTION 7.** 943.201 (1) (b) 11. of the statutes is amended to read:

8 943.201 (1) (b) 11. An individual’s deoxyribonucleic acid profile, as defined in
9 s. 939.74 (2d) 971.23 (9) (a).

10 **SECTION 8.** 946.88 (1) of the statutes is amended to read:

11 946.88 (1) ~~A~~ [✓] Unless s. 939.74 (2m) ^{applies} a criminal or civil action or proceeding
12 under ss. 946.80 to 946.88 may be commenced at any time within 6 years after a
13 violation under ss. 946.80 to 946.88 terminates or the cause of action accrues. If a
14 criminal action or proceeding under ss. 946.80 to 946.88 is brought, or intervened in,
15 to punish, prevent or restrain any such violation, the running of the period of
16 limitations with respect to any civil action or proceeding, including an action or
17 proceeding under s. 946.87, which is based in whole or in part upon any matter
18 complained of in the criminal action or proceeding shall be suspended for 2 years
19 following the termination of the criminal action or proceeding.

20 **SECTION 9.** 971.23 (9) (a) of the statutes is amended to read:

21 971.23 (9) (a) In this subsection “deoxyribonucleic acid profile” ~~has the~~
22 ~~meaning given in s. 939.74 (2d) (a)~~ means an individual’s patterned chemical
23 structure of genetic information identified by analyzing biological material that
24 contains the individual’s deoxyribonucleic acid.

25 **SECTION 10. Initial applicability.**

BILL

(1) This act first applies to any offense the prosecution of which is not barred on the effective date of this subsection.

(END)

Northrop, Lori

From: Ramirez, Adrienne
Sent: Monday, June 06, 2005 1:47 PM
To: LRB.Legal
Subject: Draft review: LRB 05-0054/3 Topic: Statute of limitations for felonies where DNA evidence exists

It has been requested by <Ramirez, Adrienne> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-0054/3 Topic: Statute of limitations for felonies where DNA evidence exists